

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Vierling Communications GMBH,

Plaintiff,

v.

Case No. 2:14-mc-9

Thomas Stroyls, et al,

Judge Michael H. Watson

Defendants.

OPINION AND ORDER

Magistrate Judge King issued a report and recommendation ("R&R") in this miscellaneous case recommending the Court grant Plaintiff's motion for attorney's fees, ECF No. 7, in part.

The R&R determined Plaintiff's counsel, Mr. Luisi, reasonably expended 5.9 hours researching for and drafting the brief and declaration in support of its request for a show cause order and reasonably expended .2 hours contacting the court regarding the same. The R&R rejected, however, half of the 1.2 hours Mr. Luisi claimed to have spent drafting the *Luisi Declaration*, finding that it was not reasonable to expend 1.2 hours drafting such a short and simple document. In sum, the R&R concluded that Plaintiff's counsel reasonably expended a total of 6.7 hours in this matter.

Furthermore, the R&R concluded that Mr. Luisi's requested hourly rate of \$495 per hour was not reasonable in light of the prevailing market rate in the Southern District of Ohio. The R&R found Mr. Luisi failed to specify how many

years he has been practicing law, and the New York State Unified Court System reflected that Mr. Luisi was admitted to the New York bar in 2007. The R&R then concluded that the requested rate of \$495 an hour exceeded the prevailing market rate in Columbus, Ohio and determined that \$250 was the prevailing market rate and was reasonable in this case as it would adequately compensate Plaintiff but would not punish Mr. Stroyls.

Finally, the R&R recommended reducing the lodestar by \$500 in light of the parameters provided in the Show Cause Order and the timing of Mr. Stroyls's deposition. Ultimately, the R&R recommended granting Plaintiff attorney's fees in the amount of \$1,175.

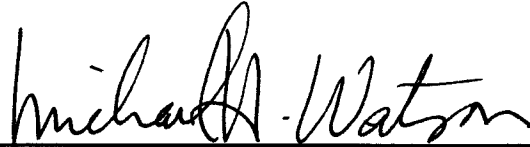
Mr. Luisi has objected. His objection, however, is merely a four paragraph declaration stating that although he was admitted to the New York bar in 2007, he has been continuously engaged in the practice of law elsewhere since 1997. Thus, he objects only to the R&R's conclusion that he began practicing law in 2007.

Mr. Luisi's objection does not address the fact that the prevailing market rate in the Southern District of Ohio for partners or attorneys with more than thirty years of experience is approximately \$250–\$275 per hour. The Court thus finds that while the R&R may have erred in concluding, due to Mr. Luisi's failure to specify his years of experience in his motion for attorney's fees, that Mr. Luisi had only been licensed to practice law for eight years, the fact that he has been

licensed since 1997 does not change the Court's conclusion that \$250 is a reasonable hourly rate in the Southern District of Ohio.

The Court **OVERRULES** Mr. Luisi's objection and **ADOPTS** the R&R. Plaintiff is awarded \$1,175 in attorney's fees.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Michael H. Watson". The signature is fluid and cursive, with the first name "Michael" and last name "Watson" clearly legible. It is positioned above a horizontal line.

MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT